

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Brian T. Fabich
Holly A. Fabich
Debtor(s)

Bankruptcy Case No.: 20-21119-CMB
9/24/2020
Chapter: 13
Docket No.: 27 – 22, 24
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated 9/9/2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: First National Bank (CI 33) as long term continuing debt. .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: September 29, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Brian T. Fabich
Holly A. Fabich
Debtor(s)

Case No. 20-21119-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Sep 29, 2020

User: dsaw
Form ID: 149

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Total Noticed: 37

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 01, 2020:

Recip ID	Recipient Name and Address
db/jdb	+ Brian T. Fabich, Holly A. Fabich, 340 Roberts Lane, New Castle, PA 16105-1326
cr	+ First National Bank of Pennsylvania, 4140 East State Street, Hermitage, PA 16148-3401
cr	+ Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
15223814	+ American Education Services, Attn: Bankruptcy, Po Box 2461, Harrisburg, PA 17105-2461
15235531	American Express National Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
15223815	+ Amex, Correspondence/Bankruptcy, Po Box 981540, El Paso, TX 79998-1540
15223816	+ Bank of America, 4909 Savarese Circle, FI1-908-01-50, Tampa, FL 33634-2413
15242996	+ Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
15223818	+ Citibank, Citicorp Credit Svcs/Centralized Bk dept, Po Box 790034, St Louis, MO 63179-0034
15223822	+ First National Bank, 4140 E State Street, Hermitage, PA 16148-3401
15223823	+ First National Bank of Omaha, Attn: Bankruptcy, Po Box 3128, Omaha, NE 68103-0128
15234397	+ JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A., c/o Robertson, Anschutz & Schneid, P.L, 6409 Congress Avenue, suite 100, Boca Raton, FL 33487-2853
15223825	M&T Bank, Lending Services, PO Box 1288, Buffalo, NY 14210-2182
15223827	+ PNC Bank, Attn: Bankruptcy, Po Box 94982: Mailstop Br-Yb58-01-5, Cleveland, OH 44101-4982
15249381	+ PNC Bank NA, Bankruptcy Department, PO BOX 94982, Cleveland, OH 44101-4982
15223831	+ Target, c/o Financial & Retail Svcs, Mailstop BT POB 9475, Minneapolis, MN 55440-9475
15238521	UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123

TOTAL: 17

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Sep 30 2020 03:11:34	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15223819	Email/Text: Bankruptcy.RI@Citizensbank.com	Sep 30 2020 03:38:00	Citizens Bank, Firstmark Services, Attn: Bankruptcy, Po Box 82522, Lincoln, NE 68501
15229235	Email/Text: Bankruptcy.RI@Citizensbank.com	Sep 30 2020 03:38:00	Citizens Bank N.A., One Citizens Bank Way, JCA115, Johnston, RI 02919
15223828	Email/Text: Bankruptcy.RI@Citizensbank.com	Sep 30 2020 03:38:00	RBS Citizens Cc, 1 Citizens Dr., Ms: Rop 15b, Riverside, RI 02915
15223820	+ Email/Text: electronicbkydocs@nelnet.net	Sep 30 2020 03:42:00	Department of Education/Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505
15226433	Email/Text: mrdiscen@discover.com	Sep 30 2020 03:38:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
15223821	+ Email/Text: mrdiscen@discover.com	Sep 30 2020 03:38:00	Discover Financial, Attn: Bankruptcy, Po Box 3025, New Albany, OH 43054-3025
15223824	+ Email/Text: AmandaM@GNCFCU.COM	Sep 30 2020 03:44:00	Gnc Community Fcu, 201 S Jefferson, New Castle, PA 16101-3823

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15250012	Email/Text: JCAP_BNC_Notices@jcap.com	Sep 30 2020 03:43:00	Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-9617
15223817	Email/PDF: ais.chase.ebn@americaninfosource.com	Sep 30 2020 03:11:22	Chase Card Services, Attn: Bankruptcy, Po Box 15298, Wilmington, DE 19850
15246398	Email/PDF: resurgentbknotifications@resurgent.com	Sep 30 2020 03:09:55	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15232727	Email/Text: camanagement@mtb.com	Sep 30 2020 03:39:00	M&T Bank, PO Box 840, Buffalo, NY 14240
15223826	+ Email/Text: angela.abreu@northwest.com	Sep 30 2020 03:38:00	Northwest Bank, Attn: Bankruptcy, Po Box 128, Warren, PA 16365-0128
15249553	+ Email/PDF: gecsed@recoverycorp.com	Sep 30 2020 03:13:01	Synchrony Bank, c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021
15224140	+ Email/PDF: gecsed@recoverycorp.com	Sep 30 2020 03:11:15	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15223829	+ Email/PDF: gecsed@recoverycorp.com	Sep 30 2020 03:13:01	Synchrony Bank/Care Credit, Attn: Bankruptcy Dept, Po Box 965064, Orlando, FL 32896-5064
15223830	+ Email/PDF: gecsed@recoverycorp.com	Sep 30 2020 03:13:01	Synchrony Bank/Lowes, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
15250311	+ Email/Text: bncmail@w-legal.com	Sep 30 2020 03:42:00	TD Bank USA, N.A., C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
15223832	+ Email/Text: BankruptcyNotice@upmc.edu	Sep 30 2020 03:44:00	UPMC, 200 Lothrop Street, Pittsburgh, PA 15213-2536
15244860	Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	Sep 30 2020 03:10:02	Verizon, by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457

TOTAL: 20

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		M&T BANK
15231884	##+	ASA, 100 Cambridge Street, Suite 1600, Boston, MA 02114-2518
jdb	*+	Holly A. Fabich, 340 Roberts Lane, New Castle, PA 16105-1326

TOTAL: 1 Undeliverable, 1 Duplicate, 1 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 01, 2020

Signature: /s/Joseph Speetjens

District/off: 0315-2

User: dsaw

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CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 29, 2020 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor M&T BANK bnicholas@kmlawgroup.com
Bryan P. Keenan	on behalf of Joint Debtor Holly A. Fabich keenan662@gmail.com melindap662@gmail.com
Bryan P. Keenan	on behalf of Debtor Brian T. Fabich keenan662@gmail.com melindap662@gmail.com
David W. Raphael	on behalf of Creditor First National Bank of Pennsylvania raphaeld@fnb-corp.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com
S. James Wallace	on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

TOTAL: 7